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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peter Richard Reeves )  
and Lei Wang ) Attorney Docket:  
 ) 6433/80968  
U.S. Serial No.: Not yet assigned )  
 )  
Filed: November 21, 2000 )  
 ) Examining Group:  
For: ANTIGENS AND THEIR ) 1600  
DETECTION )  
Examiner: Not yet assigned )

PRELIMINARY AMENDMENT and SEQUENCE LISTING

Commissioner for Patents  
Washington, D.C. 20231

Sir:

The subject application is a U.S. National Phase filing under 35 U.S.C. 371 based on International Patent Application Serial No. PCT/AU99/00385, international filing date May 21, 1999, claiming the benefit of foreign priority filing of Australian Patent Application Serial No. PP 3634, filed May 21, 1998.

ABSTRACT:

After the claims, please insert the following Abstract of the invention.

--ABSTRACT

A1  
The invention relates to novel nucleotide sequences located in a gene which encodes a bacterial flagellin antigen, and the use of those nucleotide sequences for the detection of bacteria which express particular flagellin antigens, on the basis of that antigen alone, or in conjunction with the O antigen expressed by that strain.--

SEARCHED  
INDEXED  
SERIALIZED  
FILED

IN THE CLAIMS:

Please amend the claims as follows:

- A2  
21. A method according to [any one of claims 8, 9, 11, 15 or 19] claim 7 wherein the sample is selected from the group consisting of a sample derived from food, a sample derived from faeces and a sample derived from a patient or animal.
22. A kit for identifying the H serotype of *E. coli*, the kit comprising at least one nucleic acid molecule according to [any one of claims 1 to 6] claim 1.
23. A kit for identifying the H and O serotype of *E. coli*, the kit comprising:  
(a) at least one nucleic acid molecule according to [any one of claims 1 to 6] claim 1; and  
(b) at least one nucleic acid molecule derived from and specific for a gene encoding a transferase or a gene encoding an enzyme for the transport or

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processing of a polysaccharide or oligosaccharide unit, the gene being involved in the synthesis of a particular *E. coli* O antigen.

Please insert the following new claims.

A3  
26. A method according to claim 9 wherein the sample is selected from the group consisting of a sample derived from food, a sample derived from faeces and a sample derived from a patient or animal.

27. A method according to claim 11 wherein the sample is selected from the group consisting of a sample derived from food, a sample derived from faeces and a sample derived from a patient or animal.

28. A method according to claim 15 wherein the sample is selected from the group consisting of a sample derived from food, a sample derived from faeces and a sample derived from a patient or animal.

29. A method according to claim 19 wherein the sample is selected from the group consisting of a sample derived from food, a sample derived from faeces and a sample derived from a patient or animal.

30. A kit for identifying the H serotype of *E. coli*, the kit comprising at least one nucleic acid molecule according to claim 6.

31. A kit for identifying the H and O serotype of *E. coli*, the kit comprising:

(a) at least one nucleic acid molecule according to claim 6; and

(b) at least one nucleic acid molecule derived from and specific for a gene encoding a transferase or a gene encoding an enzyme for the transport or processing of a polysaccharide or oligosaccharide unit, the gene being involved in the synthesis of a particular *E. coli* O antigen.

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REMARKS

I. The Amendments

Claims 21 through 23 were amended to remove multiple dependency. New claims 26 to 31 were added to maintain the claimed subject matter as filed before removal of multiple dependency. The new claims are supported by the claims originally filed. A typographical error in claim dependency was also corrected in claim 21. No new matter has been added to the subject patent application by virtue of this preliminary amendments.

Claims 1 through 31 are in the case and are before the Examiner. An Abstract page has been added to the specification. The text for the abstract was taken from the PCT application abstract, thereby adding no new matter.

Pursuant to the new rules of practice in patent cases before the U.S. Patent and Trademark Office, a clean copy of the claims before the Examiner after entry of the Preliminary Amendment are enclosed. For the convenience of the Patent Office, a clean copy of the new Abstract page is also enclosed.

**II. Biological Sequence Listing  
Statements under 1.825(a) and 1.821(f)**

This Preliminary Amendment including Statements under 37 C.F.R. 1.825(a) and 1.821(f) is accompanied by substitute sheets for the paper copy of the Sequence Listing of the above-identified patent application. The content of the Sequence Listing is the same as that of the Sequence Listing for the international application as filed in the PCT, the difference being that the format has been updated in the paper copy to conform to the current U.S. Patent Office Sequence Listing requirements with page numbers beginning at 1.

This paper is also accompanied by a write-protected diskette (3.50 inch, 1.44 Mb storage capacity) containing the computer readable form (CRF) of the Sequence Listing as ASCII output from PatentIn version 2.0. The computer readable form filename is

"P30384.app". The CRF of the sequence listing was generated by the PCT-filing associate in Australia using Patentin Version 2.0 on May 21, 1999 on a PC-compatible computer.

The Patentin output was transmitted via e-mail and copied onto the enclosed diskette November 21, 2000 unaltered as received. The information recorded in the computer readable form is identical to the enclosed paper copy of the Sequence Listing. A copy of the Patentin output was opened into a word processing program separately to produce the enclosed paper copy substitute sheets of the Biological Sequence Listing that has the appropriate page numbering. The substitute sheets include no new matter.

SUMMARY

The claims and specification have been preliminarily amended to conform to U.S. practice, and substitute pages incorporating the preliminary amendments are enclosed, along with a computer-readable form of the Biological Sequence Listing to supplement the paper copy already transmitted from the international authority.

The application is believed to be in condition for allowance. An early notice to that effect is earnestly solicited.

No further fee or petition is believed to be necessary. However, should any further fee be needed, please charge our Deposit Account No. 23-0920, and deem this paper to be the required petition.

The Examiner is requested to phone the undersigned should any questions arise that can be dealt with over the phone to expedite this prosecution.

Respectfully submitted,

  
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Shannon L. Nebolsky, Reg. No 41,217

Enclosures:

Diskette with file P30384.app

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